

Attorney's Docket No. 92053CONCIP

ADDED PAGE TO COMBINED DECLARATION AND POWER OF  
ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION

*(complete this part only if this is a divisional, continuation or C-I-P application)*

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER  
35 U.S.C. 120**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:					
U.S. APPLICATIONS			Status (Check one)		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned	
1.0 7/831,759	September 22, 1992	X			
2.0 6/854,347	April 18, 1986			X	
3.0 /					
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLI- CATION NO.	PCT FILING DATE	U.S. SERIAL NOS. ASSIGNED (if any)			
4.					
5.					
6.					

(Added Page to Combined Declaration and Power of Attorney for Divisional, Continuation or C-I-P Application [1-2.1]—page 1 of 2)

(Added Page to Combined Declaration and Power of Attorney [1-2.1]--page 1 of 2)

[illegible]

(Added Page to Combined Declaration and Power of Attorney [1-2.1]--page 2 of 2)

**PATENT**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION OR C-I-P)

**TYPE OF DECLARATION**

(check one applicable item below)

- NOTE:** If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of the last three items.

- NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL CONTINUATION OR C-I-P.

- ## INVENTORSHIP IDENTIFICATION

**WARNING:** If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time that the last claimed invention was made, should be submitted.

**TITLE OF INVENTION**

(Declaration and Power of Attorney [1-1]--page 1 of 7)

[illegible]

(complete (a), (b) or (c))

**NOTE:** \*The following combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

*“(1) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;*

*"(2) name of inventor(s), and attorney docket number which was on the specification as filed; or*

*"(3) name of inventor(s), and title which was on the specification as filed."*

*Notice of July 13, 1995 (1177 O.G. 60).*

(a) ☒ was filed on November 12, 1996 and was assigned Serial No. 08/745,712 and was amended on \_\_\_\_\_ (if applicable).

**NOTE:** Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

**NOTE:** "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

*\*(1) name of inventor(s), and application number (consisting of the series code and the serial number, e.g., 08/123,456);*

***“(2) name of inventor(s), serial number and filing date;***

*\*(3) name of inventor(s) and attorney docket number which was on the specification as filed:*

*\*(4) name of inventor(s), title which was on the specification as filed and filing date:*

*\*(5) name of inventor(s), title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or*

*"(6) name of inventor(s), title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number; e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."*

Notice of July 13, 1995 (1177 O.G. 60).

- (c) ☐ was described and claimed in PCT International Application No. \_\_\_\_\_, filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

#### ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56,

(also check the following items, if desired)

- ☐ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and

- ☐ in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 CFR 1.98.

#### PRIORITY CLAIM (35 U.S.C. § 119(a)-(d))

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☒ no such applications have been filed.
- (e) ☐ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119	
			<input type="checkbox"/> YES	NO <input type="checkbox"/>
			<input type="checkbox"/> YES	NO <input type="checkbox"/>
			<input type="checkbox"/> YES	NO <input type="checkbox"/>
			<input type="checkbox"/> YES	NO <input type="checkbox"/>
			<input type="checkbox"/> YES	NO <input type="checkbox"/>

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)  
(34 U.S.C. § 119(e))**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

FILING DATE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S)  
UNDER 35 U.S.C. 120**

- ☒ The claim for the benefit of any such applications are set forth in the attached ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN PART (C-I-P) APPLICATION.

[illegible]

(Declaration and Power of Attorney [1-1]--page 5 of 7)

[illegible]

**Full name of sole or first inventor**

Full name of second joint inventor, if any

Full name of third joint inventor, if any

(Declaration and Power of Attorney [1-1]--page 6 of 7)



**SECRET**

- ★ ★ ★

- ★ ★ ★

- ☒ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.

- ★ ★ ★

- ★ ★ ★

☐ This declaration ends with this page.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APRIL 20, 1997

PTAS

KIRKPATRICK & LOCKHART LLP  
CHRISTINE R. ETHRIDGE, ESQ.  
1500 OLIVER BUILDING  
PITTSBURGH, PA 15222



RECEIVED  
JC918 PTO  
09/740486  
12/19/00

APR 24 1997

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/18/1997

REEL/FRAME: 8358/0744  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

WAGGONER, ALAN S.

DOC DATE: 02/11/1997

ASSIGNEE:

CARNEGIE MELLON UNIVERSITY  
5000 FORBES AVENUE  
PITTSBURGH, PENNSYLVANIA 15213

SERIAL NUMBER: 08745712

FILING DATE: 11/12/1996

PATENT NUMBER:

ISSUE DATE:

JEEVON JONES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

MRD 2-18-97

02-25-1997

FORM PTO-1503

(Rev. 6-93)

USAG No. 0451-0011 (sup. 4/94)

RECOR



100362031

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

FEB 18 1997

Tab settings 0000

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Alan S. Waggoner

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 2. Name and address of receiving party(ies)

Name: Carnegie Mellon University

Internal Address:

Street Address: 5000 Forbes Avenue

City: Pittsburgh State: PA ZIP: 15213

Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other

Execution Date: February 11, 1997

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

08/745,712

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Christine R. Ethridge, Esq.

Internal Address: Kirkpatrick &  
Lockhart LLP

Street Address: 1500 Oliver Building

City: Pittsburgh State: PA ZIP: 15222

## 6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) \$ 40.00

☒ Enclosed☐ Authorized to be charged to deposit account

## 8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Christine R. Ethridge

Name of Person Signing

Signature

Feb. 13, 1997

Date

Total number of pages including cover sheet, attachments, and document: 6

410 33 02/24/97 08745712

1 561

40.00 CK

Attorney's Docket No. 92053CONCIP

**PATENT**

For: ☒ U.S. and/or ☒ Foreign Rights  
For: ☒ U.S. Application or  
☐ U.S. Provisional Application  
For: ☐ U.S. Patent  
For: ☐ PCT Application  
By: ☒ Inventor(s) or ☐ Present Owner

### ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

**ASSIGNOR:**

Inventor(s) or person(s) or  
entity(ies) who own the  
invention

Alan S. Waggoner

*(type or print name(s) of ASSIGNOR(S))*

121 Lexington Avenue

Address

Pittsburgh, PA 15209

U.S.A.

Nationality

*(if assignment is by person or entity to whom invention was previously assigned  
and this was recorded in PTO, add the following)*

Recorded on \_\_\_\_\_

Reel \_\_\_\_\_

Frame \_\_\_\_\_

hereby sells, assigns and transfers to

**ASSIGNEE:**

Carnegie Mellon University

*(type or print name(s) of ASSIGNEE(S))*

5000 Forbes Avenue

Address

Pittsburgh, PA 15213

(a non-profit Pennsylvania organization)

Nationality

and the successors, assigns and legal representatives of the ASSIGNEE

(complete one of the following)

- ☒ the entire right, title and interest  
☐ an undivided \_\_\_\_\_ percent (\_\_\_\_\_%) interest  
for the United States and its territorial possessions

(check the following box, if foreign rights are also to be assigned)

☒ and in all foreign countries, including all rights to claim priority,  
in and to any and all improvements which are disclosed in the invention entitled:  
**CYANINE DYES AS LABELING REAGENTS FOR DETECTION OF BIOLOGICAL  
AND OTHER MATERIALS BY LUMINESCENCE METHODS**

Name of inventor(s) Alan S. Waggoner

(check and complete (a), (b), (c), (d), (e), (f) or (g))

and which is found in

- (a) ☐ U.S. patent application executed on even date herewith  
(b) ☐ U.S. patent application executed on \_\_\_\_\_  
(c) ☐ U.S. provisional application naming the above inventor(s) for the above-entitled invention.

☐ Express mail label no.: \_\_\_\_\_

Mailed: \_\_\_\_\_

- ☐ To comply with 37 CFR 3.21 for recordal of this assignment, I, an ASSIGNOR signing below, hereby authorize and request my attorney to insert below the filing date and application number when they become known.
- (d) ☒ U.S. application no. 08 / 745,712  
filed on November 12, 1996
- (e) ☐ International application no. PCT/ \_\_\_\_\_ / \_\_\_\_\_
- (f) ☐ U.S. patent no. \_\_\_\_\_ issued \_\_\_\_\_

☐ A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately.

(also check (g), if foreign application(s) is also being assigned)

- (g) ☒ and any legal equivalent thereof in a foreign country, including the right to claim priority

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this \_\_\_\_\_ day  
of \_\_\_\_\_  
Date of signing

**WARNING:** The date of signing must be the same as the date of execution of the application, if item (a) was checked above.

Date:

2/11/97

Signature of ASSIGNOR(S)

(Alan S. Waggoner)

Date:

Date:

Date:

(if ASSIGNOR is a legal entity, complete the following information)

(type or print the name of the above person  
authorized to sign on behalf of ASSIGNOR)

Title

**NOTE:** No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized, then it will only be prima facie evidence of execution. 35 USC 261. Use next page if notarization is desired.

☐ Notarization or Legalization Page Added.

(Assignment of Invention [16-3]—page 3 of 3)